

March 18, 2009

Karen Scarborough Chair, Bay Delta Conservation Plan Steering Committee Resources Agency 1416 Ninth Street Sacramento, CA 95814

Dear Ms. Scarborough:

The Yolo Basin Foundation has been monitoring the development of the Bay Delta Conservation Plan and would like to take the opportunity of the EIR/EIS Scoping process to submit comments for the public record. Attached to this letter is a position paper prepared by Yolo Basin Foundation regarding the BDCP and also the "Yolo Bypass Conceptual Aquatic Restoration Opportunities," a plan approved by the Yolo Bypass interagency Working Group in September 2006.

The Yolo Basin Foundation is a nonprofit community-based organization founded in 1990 and is dedicated to the appreciation and stewardship of wetlands and wildlife through education and innovative partnerships. It is universally credited with facilitating the creation of the Yolo Bypass Wildlife Area. The Foundation and California Department of Fish and Game are nationally recognized for their success in unifying agriculture, wildlife habitat, and flood protection in their partnerships and educational programs.

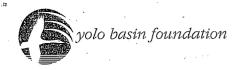
The Yolo Basin Foundation Board of Directors represents the diversity of wetlands related interests including agriculture, education, hunting, business, research, and conservation. We look forward to working with the BDCP Steering Committee as the plan progresses.

Sincerely,

Robin Kulakow

**Executive Director** 

Ralin Kerlaber



# Yolo Basin Foundation Position on: BDCP Habitat Conservation Measure— Modification of Fremont Weir

The Yolo Bypass consists of an outstanding mix of agriculture and terrestrial and wetland habitats. It is the location of the Department of Fish and Game's 16,000-acre Yolo Bypass Wildlife Area, which utilizes agriculture to help provide wildlife habitat for thousands of animals in a way that is compatible with the flood control function of the Bypass. It is home to many threatened and endangered species and provides a wildlife viewing, environmental education, and waterfowl hunting destination, as well as simply a peaceful place to enjoy open space, all within sight of the State Capitol.

The Yolo Bypass Wildlife Area depends on agricultural leases to pay a significant portion its operations and maintenance costs. Rice is the principal crop grown in the Wildlife Area and is the most valuable crop grown in the Yolo Bypass. Other crops include corn, tomatoes, and forage crops, as well as cattle ranching, both in the Wildlife Area and the greater Bypass. Farming in the Yolo Bypass is challenging, and farmers need to be working in their fields by mid-March. It is the activity of farming that keeps Bypass vegetation under control, thus allowing flood waters to pass through quickly and unobstructed.

The Fremont Weir at the north end of the Bypass functions as a flood relief valve that protects the heavily populated Sacramento metropolitan area when the Sacramento River reaches flood stage at 33.5 feet. Flood control is the overarching function of the Yolo Bypass and carries flood waters past Sacramento on average once every three years.

Habitat Conservation Measures as currently described in the Bay Delta Conservation Plan will have adverse impacts on the Yolo Bypass Wildlife Area. Specifically, the proposed Floodplain Habitat Restoration Conservation Measure (FLOO1.1): "Modify the Fremont Weir and the Yolo Bypass to provide for a higher frequency and duration of inundation." The stated goal is create an operable gate to sustain flood flows into the Bypass for 30-45 days between December 1 and May 15 to create flood plain habitat for Chinook salmon and Sacramento splittail.

This measure would have serious impacts to current land use in the Yolo Bypass Wildlife Area by:

- compromising the floodway function of the Yolo Bypass,
- effectively eliminating the current agricultural activities in the Wildlife Area and thus seriously impacting its income stream, and
- making the Wildlife Area unusable for the thousands of school children who annually participate in the Yolo Basin Foundation's *Discover the Flyway* school program.

# Yolo Bypass Interagency Working Group

California Department of Fish and Game California Department of Water Resources National Marine Fisheries Service US Fish and Wildlife Service

#### September 2006

Yolo Bypass Conceptual Aquatic Restoration Opportunities: Keeping Yolo Bypass Users Whole While Improving Aquatic Conditions

The following describes potential northern Yolo Bypass (above Little Holland Tract) aquatic restoration opportunities. The CALFED Ecosystem Restoration Program Implementing Agencies (CDFG, USFWS, NMFS) in cooperation with the DWR, are evaluating the feasibility of implementing the following opportunities. These opportunities were developed through consultations with participating agencies of the Yolo Bypass Interagency Working Group (YBIWG).

The YBIWG acknowledges key issues, interests, and concerns raised during previous discussions with stakeholders and evaluates potential restoration opportunities with these issues in mind. The YBIWG intends to keep all users and interests whole.

The mission of the YBIWG is to improve conditions for native fish species (particularly State and federal Threatened and Endangered fish species and species of special concern) in the Yolo Bypass, thereby enhancing populations and recovery efforts while maintaining or improving existing conditions for land management.

This document focuses, at a conceptual level, on the sequential development of potential restoration opportunities in the northern Yolo Bypass. The set of potential restoration opportunities is provided to foster discussion among public entities and stakeholders interested in the northern Yolo Bypass. YBIWG Stakeholder Outreach will involve: presenting conceptual restoration opportunities, seeking stakeholder input to guide further actions, and, in concert with stakeholders, developing an appropriate restoration plan that maintains or improves conditions in the Yolo Bypass for native fish and bypass users.

The YBIWG has identified the following potential restoration opportunities for further evaluation:

 Putah Creek – Lower Putah Creek stream realignment and floodplain restoration for fish passage improvement and multi-species habitat development on existing public lands. agricultural diversions and reducing maintenance requirements. A conceptual example of the synergistic benefits of these proposed restoration actions is the idea that improving Lisbon Weir's reliability for agricultural diversions could increase flexibility in water distribution, thereby allowing for greater attraction flows to be released down the realigned Putah Creek.

#### Goals:

- Improve irrigation water distribution system to benefit fish and wildlife, and agriculture.
- Improve likelihood of adult fall-run Chinook immigration to Putah Creek
- Reduce delay and possible stranding of adult steelhead, Chinook salmon and sturgeon, when passable conditions to the Sacramento River exist.
- Reduce delay of juvenile salmonid emigration within the Toe Drain.

## Step 3 - Additional multi-species habitat development

Expand existing shallow water habitat for various species including juvenile native fish. Additional multi-species habitat could be developed through the excavation of a low shelf along a limited portion of the Toe Drain and through small scale setback levees, or by other unidentified means. Restoration opportunities for the development of additional seasonal shallow water habitat, where opportunities exist, may occur on:

- 1. Undeveloped lands within the Yolo Bypass Wildlife Area.
- 2. Other undeveloped public lands within the Yolo Bypass.
- 3. Private lands where cooperative agreements between the implementing agencies and the landowners provides mutual benefits.

#### Goals:

- Increase rearing habitat available to juvenile steelhead, Chinook salmon, and splittail.
- Increase shallow water habitat availability for multiple species (fish, wildlife, plankton, and others).

### Step 4 - Tule Canal Connectivity

Identify areas of stranding adjacent to the Fremont Weir. Evaluate the feasibility of improving connectivity between the Fremont Weir, the Fremont Weir scour ponds, and the Toe Drain to reduce stranding of adult and juvenile fish. Identify seasonal road crossings and agricultural impoundments in the northern Yolo Bypass that impact wetted habitat connectivity, immigration, and emigration of fish species utilizing the Yolo Bypass. Develop conceptual approaches for the modification of crossings and impoundments to improve fish passage while ensuring continued water diversion capability.

The YBIWG is open to considering additional areas of concern that may be identified through additional stakeholder outreach. Conceptual restoration opportunities were developed to keep all users and interests whole. To this end, restoration opportunities that significantly changed the timing and/or duration of flow, or that resulted in substantial new regulation of the Yolo Bypass, were eliminated from further consideration.